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PATENT
Customer No. 22,852
Attorney Docket No. 05725.0848-00
Application No.: 09/931,913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Nghi Van Nguyen et al.) Group Art Unit: 1751
)
Application No.: 09/931,913) Examiner: E. Elhilo
)
Filed: August 20, 2001)
)
For: COMPOSITIONS COMPRISING)
AT LEAST ONE HYDROXIDE)
COMPOUND AND AT LEAST ONE)
OXIDIZING AGENT, AND)
METHODS TO STRAIGHTEN)
CURLY HAIR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated July 22, 2003, Applicants respectfully request reconsideration of this application in view of the following remarks.

I. Status of the Claims

Claims 1-92 are pending in this application.

II. Restriction Requirement

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

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Group I Claims 1-45, drawn to a composition for lanthionizing keratin fibers, classified in class 424, subclass 70.2; and

Group II Claims 46-92, drawn to a method and kit for lanthionizing keratin fibers, classified in class 132, subclass 203.

Applicants respectfully traverse the restriction requirement. However, to be fully responsive to the restriction requirement, Applicants elect, with traverse, the invention of Group I, Claims 1-45:

Applicants respectfully refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for restriction. The M.P.E.P instructs the Examiner as follows:

If the search and examination of an entire application can be made without serious burden, the Office must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (emphasis added).

Here, Applicants respectfully submit that the Examiner has not demonstrated that examining Groups I and II will constitute a serious burden. Applicants respectfully submit that a search of Groups I and II would not be burdensome, as all of the claims recite a composition comprising, *inter alia*, at least one hydroxide compound and at least one oxidizing agent, wherein the at least one hydroxide compound and the at least one oxidizing agent are present in a combined amount effective to relax keratinous fibers. Thus, the search and examination of Group I should substantially, if not completely, overlap the necessary search and examination for Group II.

In view of the foregoing remarks, Applicants believe the restriction requirement to be in error and respectfully request that the requirements be withdrawn.

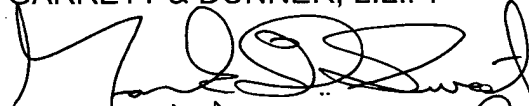
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If there is any fee due in connection with the filing of this Response, please
charge the fee to our Deposit Account No. 06-0916.


Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: August 21, 2003

By:

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